

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF EIGHT (8) CONTIGUOUS LOTS, LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE TOTALING APPROXIMATELY 2.1 ACRES IN SIZE AND GENERALLY IDENTIFIED AS LOTS 1, 2, 3, 11 AND 12, CURRENTLY ZONED R-5, AND LOTS 13, 14 AND 15, CURRENTLY ZONED R-4, OF BLOCK 1, SMALLWOOD MANOR SUBDIVISION, FROM THE CURRENT R-4 AND R-5 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION TO AN R-6 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION; AND TO FURTHER EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY DEPICTED ON THE OFFICIAL ZONING MAP, TO INCLUDE THE SUBJECT LOTS 1, 2, 3, 11 AND 12, IN ORDER TO ALLOW FOR THE FUTURE REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Conestoga Holdings LLC ("Applicant"), filed a rezoning application on December 12, 2012, with the City of North Miami ("City") Community Planning and Development Department, requesting to rezone an area consisting of eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue, identified by tax folios: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, 06-2219-004-0020) consisting of approximately 91,476 square feet (or 2.1 acres) in size ("Subject Property"), from R-4 and R-5 Multifamily Residential zoning designation to R-6 Multifamily Residential zoning designation; and

WHEREAS, three (3) of the eight (8) lots (i.e., lots 13, 14 and 15) are also currently located inside the City Neighborhood Redevelopment Overlay ("NRO") District, which allows for mixed use developments for properties located within the NRO District boundary; and

WHEREAS, in conjunction with rezoning of the Subject Property to R-6 Multifamily Residential zoning designation, the Applicant is also requesting that the City amend the western boundary of the NRO District to extend the line westward to include the 5 remaining lots located outside the NRO District (i.e., lots 1, 2, 3, 11 and 12); and

WHEREAS, the Applicant proposes to revitalize the property and create a new mixed use project, including residential, retail and community facility uses, pursuant to Article 4, Section 4-405C of the City Code of Ordinances, Land Development Regulations (“LDRs”); and

WHEREAS, Policy 9.4.6 of the City Comprehensive Plan (“Comprehensive Plan”), requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, the City believes the proposed application is consistent with the Comprehensive Plan and with uses permitted in the NRO District as of right, and enables future redevelopment along a major corridor in a mainly blighted area of the City; and

WHEREAS, the proposed redevelopment of the Subject Property is anticipated to generate additional tax revenue and create new jobs within the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, found that the application met the requirements of Article 3, Section 3-1004 of the LDR’s, and in harmony with the goals, objectives and policies of the Comprehensive Plan, and thereby, recommended approval of the proposed rezoning to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find the rezoning of the Subject Property to be consistent with the intent of the Comprehensive Plan and advantageous to the best interest of the City, and accept the Planning Commission’s recommendation to approve and adopt the requested rezoning from R-4 and R-5 Multifamily Residential zoning designation to R-6 Multifamily Residential zoning designation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Rezoning of Property and Amendment to Official Zoning Map. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled “Land Development Regulations”, by

amending the City of North Miami Official Zoning Map, referenced in Article 1, Section 1-106, to reflect the rezoning of an area consisting of eight (8) contiguous lots, located on the Northwest Quadrant of Northeast 135th Street and Northeast 6th Avenue totaling approximately 2.1 acres in size and generally identified as lots 1, 2, 3, 11 and 12, currently zoned R-5, and lots 13, 14 and 15, currently zoned R-4, of Block 1, Smallwood Manor Subdivision, from the current R-4 and R-5 Multifamily Residential zoning designation to an R-6 Multifamily Residential zoning designation; and to further expand the Neighborhood Redevelopment Overlay (NRO) District boundary depicted on the Official Zoning Map, to include the subject lots 1, 2, 3, 11 and 12, in order to allow for the future redevelopment of the vacant site, consistent with the intent of the City of North Miami Comprehensive Plan.

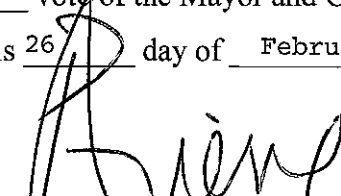
Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Effective Date.** This Ordinance shall not become effective until thirty-one (31) days after adoption on second reading, if not otherwise challenged.

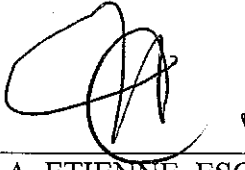
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12 day of February, 2013.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26 day of February, 2013.



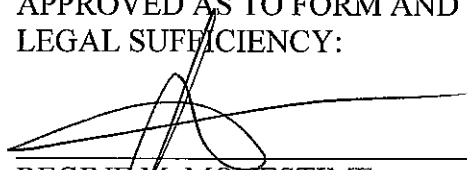
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Galvin

Seconded by: Councilman Marcellus

Vote:

Mayor Andre D. Pierre, Esq.	<u>x</u>	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	<u>x</u>	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	<u>x</u>	(Yes)	_____	(No)
Councilperson Scott Galvin	<u>x</u>	(Yes)	_____	(No)
Councilperson Jean R. Marcellus	<u>x</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.